

**REMARKS**

**In a telephone discussion on 04/12/2004 between Examiner Leroux and Applicants' Representative Jack Friedman, the Examiner agreed that the present office action will be treated as a non-final office action, because the Examiner introduced new grounds of rejection not necessitated by claim amendments of Applicants.**

The Examiner rejected claims 1, 3, 5-9, 12-14, 16-20 and 23 under 35 U.S.C. §102(b) as allegedly being anticipated by US Pat No. 6,000,000 issued to Hawkins et al.

The Examiner rejected claims 2, 4, 11, 13, 15 and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hawkins.

The Examiner rejected claims 10 and 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hawkins in view of US Pat No. 6,026,413 issued to Challenger et al.

Applicants respectfully traverse the §102(b) and §103(a) rejections with the following arguments.

**35 U.S.C. §102**

The Examiner rejected claims 1, 3, 5-9, 12-14, 16-20 and 23 under 35 U.S.C. §102(b) as allegedly being anticipated by US Pat No. 6,000,000 issued to Hawkins et al.

Applicants respectfully contend that Hawkins does not anticipate claims 1, 12, and 23, because Hawkins does not teach each and every feature of claims 1, 12, and 23. For example, Hawkins does not teach "a dynamically changing list of control documents".

The Examiner argues: "Hawkins '000 discloses a method for updating a database structure, comprising: generating a dynamically changing list of control documents [sync registry item 430 per Fig 4 and col 5, line 54 through col 6, line 3]".

In response to the preceding argument by the Examiner, Applicants respectfully contend that the only list mentioned in col. 5, line 54 - col. 6, line 3 of Hawkins is a list of conduit libraries. However, a list of conduit libraries is not a list of control documents. A conduit library is computer code (see Hawkins, col. 5, lines 41-43) and not a control document. A control document is defined on page 3, lines 10-11 of Applicants' specification which recites: "A 'control document' is a document that comprises a list of tasks to be performed by an 'agent'". Since a conduit library (which is computer code) is not a list of tasks to be performed by an agent, Applicants maintain that the list of conduit libraries disclosed by Hawkins is not a list of control documents, as required by claims 1, 12, and 23.

In the Examiner's "Response to Arguments," the Examiner argues that "the disclosure by Hawkins of sync registry item 430 per Fig 4 as reading on the claimed 'list of control documents', because the sync registry 430 contains a list of conduit libraries. The Examiner also argues that a conduit library is an agent. Therefore, the Examiner is arguing that the sync registry

430 contains a list of agents. However, claims 1, 12, and 23 do not claim a list of agents. Rather, claims 1, 12, and 23 claim a list of control documents. An agent is not a control document, because an agent does not comprise a list of tasks to be performed by an agent. Therefore, even using the Examiner's own analysis, Hawkins does not disclose a list of control documents.

Moreover, the Examiner's argument that the conduit library of Hawkins is an agent is not persuasive. The Examiner correctly argues that the conduit library of Hawkins is computer executable code. However, being computer executable code is a necessary but not sufficient condition for being an agent. In order to be an agent, the computer executable code must also function as a background process within the operating system, and Hawkins does not disclose that the conduit library functions as a background process within the operating system environment. See Applicants' specification, page 3, lines 14-15 for definition of "agent". Therefore, Applicants conclude that Hawkins does not explicitly or inherently disclose that the conduit library is an agent.

The Examiner also argues that Hawkins discloses: "wherein processing the first approved control document includes causing executing at least one task on the first approved control document [conduit library A item 421 per Fig 4 and col 5, lines 48-62]". Thus, the Examiner is equating "control document" with "conduit library". As explained *supra*, the Examiner also equates "conduit library" with "agent". Therefore, the Examiner appears to be arguing that "control document", "conduit library", and "agent" are equivalent, which is incorrect and is a reason why the Examiner's arguments are not persuasive and is very difficult for Applicants to follow.

Based on the Applicants' preceding arguments, Applicants respectfully maintain that Hawkins does not anticipate claims 1, 12, and 23, and that claims 1, 12, and 23 are in condition for allowance. Since claims 2-11 depend from claim 1, Applicants contend that claims 2-11 are likewise in condition for allowance. Since claims 13-22 depend from claim 12, Applicants contend that claims 13-22 are likewise in condition for allowance.

**35 U.S.C. §103**

The Examiner rejected claims 2, 4, 11, 13, 15 and 22 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hawkins. Since claims 2, 4, and 11 depend from claim 1, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102(b), Applicants maintain that claims 2, 4, and 11 are not unpatentable under 35 U.S.C. §103(a). Since claims 13, 15 and 22 depend from claim 12, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102(b), Applicants maintain that claims 13, 15 and 22 are not unpatentable under 35 U.S.C. §103(a).

The Examiner rejected claims 10 and 21 under 35 U.S.C. §103(a) as allegedly being unpatentable over Hawkins in view of US Pat No. 6,026,413 issued to Challenger et al. Since claims 10 and 21 depend from claims 1 and 12, respectfully, which Applicants have argued *supra* to be patentable under 35 U.S.C. §102(b), Applicants maintain that claims 10 and 21 are not unpatentable under 35 U.S.C. §103(a). In addition, the Examiner has not supported the Examiner's argument that the L-script in Challenger is an agent, since Challenger does not disclose that the L-script is a background process within the operating system environment and the Examiner has not even considered the issue of whether the L-script in Challenger is a background process within the operating system environment.. See Applicants' specification, page 3, lines 14-15 for definition of "agent". Moreover, the Examiner's argument that it is obvious to modify Hawkins "for the purpose of causing a trigger to occur automatically" makes no sense with respect to the disclosure of Hawkins and the Examiner has not met the Examiner's burden to explain how and why the argument "for the purpose of causing a trigger to occur automatically" applies to Hawkins. In other words, what is the "trigger" in Hawkins and how

would the alleged "trigger" occur automatically?

**CONCLUSION**

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below.

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